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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,677	01/18/2002	Andrew J. Zosel	005557.P006	5443
7590	08/09/2005			EXAMINER TRAIL, ALLYSON NEEL
Todd M. Becker BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 08/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,677	ZOSEL ET AL	
	Examiner	Art Unit	
	Allyson N. Trail	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed May 26, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 7, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al (6,019,286).

Li et al teaches the following in regards to claims 1-3, 6, 7, 10, and 13:

Figure 7 illustrates a portion of an imaging assembly. The assembly includes a lens array 62 and four optical portions 88a, 88b, 88c, and 88d. The four optical portions are illuminated by the illumination assembly 42 and create two separate bars which intersect in the center of the target 46 (shown in figure 5). Also shown in figure 5 is a more detailed view of the imaging assembly, which includes a camera 38. The camera assembly 38 includes an optic assembly 43 which focuses an image of a target area 44 onto a photosensor array assembly 48. As can be seen in figure 7 the intersection of the two bars is independent of the distance between the lens and the plane. The bar will cross in the center of the target regardless of how far away the imaging assembly (including the lens) is.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (6,019,286) in view of Bunce et al (5,598,007).

Li et al's teachings are discussed above. Li et al fails to specifically teach the shape created by the intersection of the first and second bars varying according to the focus distance.

Bunce et al teaches the following in regards to claim 11:

"Several cursor images are within the scope of the invention. In one embodiment, the first and second cursor images are bars which intersect to form an "X". In another embodiment, the first and second cursor images are a ">" and "<" which together form an "X"." (Col. 4, line 66 – Col. 5, line 3).

Claim 23, which discloses, "the step of shaping the first cursor beam includes forming the first cursor beam such that the first geometric shape is a first bar and wherein the step of shaping the second cursor beam includes forming the second cursor beam such that the second geometric shape is a second bar oriented at a predetermined angle relative to the first bar when the target object is at the fixed object distance from the detector assembly." (Col. 16, lines 60-67).

Bunce et al teaches the following in regards to claims 4, 5, and 12:

Figure 1 shows two beams being projected from the apparatus. It is known that small images and large images (that are being read by the scanner) have different focal lengths and field of views depending on how far from the scanning apparatus each image is. Because of this fact, the desired object distance to ensure an accurate read varies from object to object. Bunnce et al teaches two beams in the geometric shape of a bar. It is clear that if the object to be scanned is close to the scanner, the two beams will meet each other at the end points and the two beams will form a carrot shape. If the object to be scanned is farther away, the two beams will bisect each other and form an "X" shape. Lastly, if the object to be scanned is even farther away, the two beams will intersect and form a "V" shape.

In view of Bunce et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to vary the shape created by the intersection. Li et al teaches using two bars to show the center of field. Although Li et al fails to specifically teach the shape changing depending on the focus, Li et al's teachings are aimed at finding the center of the target in order to obtain an accurate scan of the target image. One would be motivated to vary the shape created by the interesting bars in order to decipher where the ultimate scanning range. This would save time in obtaining the most focused read quickly and easily.

6. Claims 8, 9, 14-17, 19-21, 23, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (6,736,321) in view of Rigoni et al (EP1128315).

Li et al's teachings are discussed above. Li et al additionally teaches an image processor for processing an image captured by the camera. (See claim 1). Li et al fails to teach a confirmation beam for confirming the processing of the image.

Rigoni et al teaches the following in regards to claims 8, 9, 15, 17, and 29:

"In an apparatus and a method for acquiring and reading optical codes, the indication of the reading result is carried out projecting a luminous figure onto the optical code, that is to say in the position on which the attention of the operator is focused"

(Abstract).

Teachings by Li et al regarding claims 14, 16, 19-21, 23, 27, and 28 are discussed above. Li et al however, failed to teach the limitation of the confirmation beam. Rigonie et al's teachings regarding the confirmation beam are discussed above.

In view of Rigonie et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include in Li et al's scanner, a confirmation beam. Having a confirmation beam gives the operator a positive indication of whether or not the image was read and processed correctly. This indication allows the operator to know whether the code has been decoded before proceeding to read another code and makes the reading process more efficient.

7. Claims 18, 22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (6,736,321) in view of Bunce et al (5,598,007) and in further view of Rigoni et al (EP1128315).

Teachings by Li et al in view of Bunce et al regarding claims 18, 22, and 24-26 are discussed above. Li et al in view of Bunce et al however, failed to teach the

limitation of the confirmation beam. Rigonie et al's teachings regarding the confirmation beam are discussed above.

In view of Bunce et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include in the scanner taught Li et al in combination with Bunce et al, a confirmation beam. (See above reasons to combine the scanner with the confirmation beam).

Response to Arguments

8. Applicant's arguments with respect to claims 1-29 have been considered, however are not persuasive.

It is believed that it is clearly shown in figure 7 that the two illuminated beams intersect at the center of the target. Although the intersection is not shown in figure 5, it is illustrated in figure 5 that the center of the target will be illumination by the various beams which extend from the camera independent of the distance between the lens and the plane when the lens is installed on the base. Additionally, it is believed that Rigonie et al continues to meet the amended claimed limitation of the unfocused confirmation beam. The confirmation beam as taught by Rigonie et al is directed towards the target indicating that the image processor has processed the image. It may or may not include additional functions other than simply indicating that the image has been successfully processes. If no additional functions are specified, then only a beam of light (does not have to be focused) is directed at the target.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

Art Unit: 2876

All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
August 4, 2005

Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER